

### **REMARKS**

Claims 31-50 were presented for examination. In an Office Action dated May 17, 2007, claims 31-50 were rejected. Claims 31, 42, and 45 are amended herein. Support for the amendments to claims 31, 42, and 45 can be found, for example, in Applicants' specification paragraphs 0016, 0048, 0060, and 0075. These changes are believed not to introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of the prior claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time in this or another application.

Applicants thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below. Based on the above Amendment and following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and withdraw them.

### **Claim Rejections Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 31-36, 41-47 and 49 under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,778,820 ("Tendler") in view of U.S. Patent No. 6,011,973 ("Valentine"). This rejection is traversed.

Independent claim 31 as amended recites:

A system for electronic gaming at locations remote from a gaming source authorized to host gaming services, comprising:  
a broadcast station arranged to transmit game play signals in accordance with instructions from the gaming source; and  
a remote gaming device having a memory arranged to store geographic delimiters defining an authorized gaming area for the gaming source,

the remote gaming device further having a location determination system arranged to determine a physical location of the remote gaming device;  
wherein the remote gaming device stores a credit balance, the credit balance representing funds available for game play, and  
wherein the remote gaming device determines whether the physical location of the device is within the authorized gaming area as defined by the geographic delimiters, and wherein the remote gaming device is placed in an active condition for game play using the game play signals when the physical location of the remote gaming device is within the authorized gaming area.

Thus, claim 31 specifically recites that *the remote gaming device stores a credit balance, the credit balance representing funds available for game play*. Independent claims 42 and 45 recite similar limitations.

In contrast, Tendler discloses a wireless phone having a GPS receiver, where the phone reports a location of the phone at the time of placing a phone wager so that a sports bet can verify that the wager is being placed within the geographic limits of the wagering authority. See Tendler, Abstract. However, Tendler fails to disclose or suggest that the phone “stores a credit balance, the credit balance representing funds available for game play.”

Nor does Valentine remedy the deficiencies of Tendler. Valentine, like Tendler, discloses a method for restricting operation of a cellular telephone to well delineated geographical areas. See Valentine, Abstract. However, Valentine focuses exclusively on such restricting, and thus fails to disclose or suggest that the cellular telephone “stores a credit balance, the credit balance representing funds available for game play.”

Applicants respectfully submit that for at least these reasons claims 31-36, 41-47 and 49 are patentably distinguishable over the cited references, both alone and in combination.

Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

**Claim Rejections Based on Tendler in View of Clapper, Kotzin, or Thiriet**

The Examiner rejected claims 37-40, 48, and 50 under 35 USC § 103(a) as allegedly being unpatentable in view of Tendler and Valentine, and further in view of U.S. Patent Application No. 20020168967 by Clapper et al. (“Clapper”), U.S. Patent No. 6,470,180 to Kotzin (“Kotzin”), or U.S. Patent Application No. 20020168967 by Thiriet (“Thiriet”). These rejections are respectfully traversed.

Clapper, Kotzin, and Thiriet, taken alone or in combination fail to remedy the deficiencies of Tendler and Valentine. Namely, none of the applied references show or suggest at least *that a remote gaming device stores a credit balance, the credit balance representing funds available for game play.*

Clapper discloses a wireless retail customer intranet in which customers can use personal digital assistants (PDAs) to communicate with a server operated by the retail facility. *See* Clapper, Abstract. However, such a system merely involves facilitating intra-store communications and tracking customer information, but fails to disclose or suggest *a remote gaming device storing a credit balance, the credit balance representing funds available for game play.*

Kotzin, which discloses a wireless system for communicating data to a handheld wireless device (*see* Kotzin, Abstract). Such a system is concerned only with the method of transmitting data between the handheld wireless devices, such as video game systems. Accordingly, Kotzin fails to disclose or suggest *a remote gaming device storing a credit balance, the credit balance representing funds available for game play.*

Thiriet discloses a cell phone for playing electronic games. *See* Thiriet, Abstract. However, Thiriet is merely concerned with playing computer games downloaded by a subscriber, and thus does not disclose or suggest *a remote gaming device storing a credit balance, the credit balance representing funds available for game play.*

In view of the above, none of the applied references, whether taken alone or in any combination, disclose or suggest at least the claimed features of a remote gaming device storing a credit balance, the credit balance representing funds available for game play, as required by the independent claims 31, 42, and 45. Since claims 37-40, 48, and 50 depend either directly or indirectly from the patentable independent claims discussed above, all arguments advanced above with respect to independent claims 31, 42, and 45 are hereby incorporated so as to apply to claims 37-40, 48, and 50. In addition, the claims 37-40, 48, and 50 recite other patentable features which further distinguish them from the prior art of record. Applicants submit that dependent claims 37-40, 48, and 50 are patentable over the art of record by reason of their dependency, in addition to the further patentable limitations recited therein.

### **Conclusion**

In sum, Applicants respectfully submit that claims 31-50 are in condition for allowance. Applicants request reconsideration of the basis for the rejections of these claims and request allowance of them.

If the Examiner believes that for any reason direct contact with Applicants' attorney would help advance the prosecution of this case, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,  
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